

R430-60-6: OUTDOOR ENVIRONMENT.

If the center has an outdoor play area used by children in care, the following rules apply:

- (1) There shall be an outdoor play area for children that is safely accessible to children.

Rationale / Explanation

The purpose of this rule is to prevent injury to children or a child escaping en route to the outdoor play area. A playground is considered safely accessible if it directly adjoins the building, if there is a fenced walkway from the building to the playground, or another way to ensure that the route from the building to the playground is free of potential hazards. CFOC 3rd Ed. pg. 265 Standard 6.1.0.1

Enforcement

The purpose of this rule is to ensure that children cannot access streets, parking lots, ditches, etc. when going to the playground. A Licensee can be in compliance with this rule by:

having a playground that is directly adjacent to the building, so that children exit the building straight onto the playground.

having a fenced walkway from the building to the playground.

having the entire area that holds both the building and the playground fenced, provided the area inside the fence does not include parking lots, driveways, or anywhere else cars may be.

having a playground that can be accessed via a sidewalk, if the sidewalk does not pass through a parking lot, or near a busy street or water hazard.

blocking off a portion of a parking lot with traffic cones to create a walkway to the outdoor play area.

Always Level 2 Noncompliance.

- (2) The outdoor play area shall have at least 40 square feet of space for each child using the playground at the same time as other children.

Rationale / Explanation

The purpose of this rule is to allow children safe freedom of movement during active outdoor play. The American Academy of Pediatrics and the American Public Health Association recommend 75 square feet of outdoor space for each preschooler, 33 square feet for each infant, and 50 square feet for each toddler using the playground at one time. CFOC, 3rd Ed. pg. 265 Standard 6.1.0.1

Enforcement

These measurements are taken, and capacity determined, at the time of initial licensure. The area is not re-measured on subsequent licensing inspections, unless the outdoor play area appears overly crowded during the inspection.

A Licensee can be in compliance with this rule by having more than one playground, as long as they are all safely accessible and fenced as required by R430-160-6(3)(4)(5).

Always Level 3 Noncompliance.

- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or a solid natural barrier that is at least 4 feet high. When children play outdoors, they must play in the enclosed play area except during off-site activities described in Section R430-60-20(2).

Rationale / Explanation

The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to

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streets and other hazards. CFOC 3rd Ed. pg. 268 Standard 6.1.0.8

It also serves to keep unwanted people and animals out of the playground.

Enforcement

This rule applies to exterior fences only.

A Licensee will not be considered out of compliance if a fence is less than 4 feet in height due to temporary weather conditions, such as snow on the ground at the base of the fence.

Level 1 Noncompliance if there is no fence or barrier or the fence or barrier is less than 3 feet high.

Level 3 Noncompliance otherwise.

- (4) There shall be no gaps in fences greater than 5 inches at any point, nor shall gaps between the bottom of the fence and the ground be more than 5 inches.**

Rationale / Explanation

The purpose of this rule is to prevent children from escaping through gaps in a fence, thus defeating the purposes of the fence as explained in subsection (4) above. CFOC 3rd Ed. pg. 268 Standard 6.1.0.8

The 5" measurement is based on the diameter of a small toddler's head.

Enforcement

This rule applies to exterior fences only.

In order for a Licensee to be consider out of compliance a gap would need to be at least both 5" in height and 5" in width.

Level 1 Noncompliance if there is a gap in the fence and there are hazards outside of the fence, such as heavy traffic or a water hazard.

Level 2 Noncompliance otherwise.

- (5) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter anywhere in the outdoor play area where children's feet cannot touch the ground.**

Rationale / Explanation

Openings that fit these dimensions are called "entrapment hazards". An entrapment hazard is an opening that a child's body could fit through, but not his/her head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be a head entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission (CPSC). CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1; pg. 272 Standard 6.2.1.9

Enforcement

This rule applies to entrapments outside of the use zone(s) of any piece of playground equipment and to entrapments where a child's feet could not touch the ground.

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Licensors will use the following measurements, taken from the ground up to the bottom of the entrapment, to determine if the entrapment is in a place where a child's feet could not touch the ground.

Infant and toddler playgrounds: more than 23 1/4 inches above the ground

Two-year-olds (for preschool playgrounds): more than 25 1/4 inches above the ground

School age only playgrounds: more than 33 inches above the ground

If the entrapment is above the 4' from the ground required for fences, this rule does not include entrapments such as decorative openings in the tops of fences. This rule also does not include partially bounded openings, such as those found in picket fences.

Always Level 2 Noncompliance.

- (6) When in use, the outdoor play area shall be free of animal excrement, harmful plants, objects, or substances, and standing water.**

Rationale / Explanation

The purpose of this rule is to prevent injury to children and the spread of disease.

Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. CFOC, 3rd Ed. pg. 259 Standard 5.7.0.1

Standing water is a drowning hazard. Small children can drown within 30 seconds in as little as 2 inches of water. In addition, standing water is breeding grounds for mosquitos, which can spread disease. CFOC, 3rd Ed.pg. 68 Standard 2.2.0.4; pg. 228 Standard 5.2.8.2

Enforcement

For the purposes of this rule:

Animal excrement does not include isolated bird droppings.

Standing water includes two inches or more of standing water in:

- *wading pools when the pool is not in use and/or not supervised*
- *fountains, birdbaths, etc. a child's head could fit in*
- *buckets or other containers of water a child's head could fit in (unless the containers are being used as part of a supervised project, such as painting on the sidewalk with water).*
- *wheelbarrows*
- *garbage cans or other similar containers.*

Standing water does not include temporary puddles caused by rain or sprinklers.

Harmful objects include:

- *Animal swings.*
- *Unanchored swings or unanchored large metal slides.*
- *A rope, cord, wire, or chain attached to a structure, that a child could strangle on (this does not include ropes used to suspend swings).*
- *Rebar/metal rods less than 48" sticking up from the ground or out of walls.*
- *Fence post stirrups.*
- *Standing ladders.*
- *Exposed live electrical wire.*
- *Dead animals.*

Harmful plants include thistles.

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This rule does not prohibit preschoolers or school age children from using child-size gardening tools under adult supervision.

Level 1 Noncompliance for metal animal swings; or unanchored swings or large metal slides.

Level 2 Noncompliance otherwise.

(7) The outdoor play area shall have a shaded area to protect children from excessive sun and heat.

Rationale / Explanation

The purpose of this rule is to prevent both sunburn and heat exhaustion.

It can take less than 10 minutes for a child's skin to burn, and it is estimated that 80% of a person's lifetime sun damage occurs before the age of 18. Individuals who suffer severe childhood sunburns are an increased risk for skin cancer. CFOC, 3rd Ed. pg. 267 Standard 6.1.0.7

Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2

Enforcement

Shade can come from trees, awnings, patio roofs or other structures. The side of the building can provide shade if children are taken outside during a time of the day when the building is providing some shade.

Because outdoor play is required each day, weather permitting, there must be some provision for shade year round.

Level 2 Noncompliance except in cold weather when children are mostly covered by cold weather clothing.

Level 3 Noncompliance in cold weather when children are mostly covered by cold weather clothing.

(8) An outdoor source of drinking water, such as a drinking fountain, individually labeled water bottles, or a pitcher of water and individual cups that are taken outside, shall be available to children whenever the outside temperature is 75 degrees or higher.

Rationale / Explanation

The purpose of this rule is to prevent dehydration and heat exhaustion. Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2

The purpose of the requirement for individually labeled water bottles or individual drinking cups is to prevent the spread of disease.

Enforcement

Level 1 Noncompliance if children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Level 3 Noncompliance otherwise.

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- (9) All outdoor play equipment and areas shall comply with the following safety standards.
- (a) All stationary play equipment used by infants and toddlers shall meet the following requirements:
- (i) There shall be no designated play surface that exceeds 3 feet in height.
 - (ii) If the height of a designated play surface or climbing bar on a piece of equipment, excluding swings, is greater than 18 inches, it shall have use zones that extend a minimum of 3 feet in all directions from the perimeter of each piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

A use zone is not required for sand diggers.

If a preschooler or school age child plays on infant/toddler equipment, the equipment must have the use zone required for preschool or school age children.

Always Level 1 Noncompliance.

- (9) (b) All stationary play equipment used by preschoolers or school age children shall meet the following requirements for use zones:
- (i) If the height of a designated play surface or climbing bar on a piece of equipment is greater than 20 inches, it shall have use zones that extend a minimum of 6 feet in all directions from the perimeter of each piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

A use zone is not required for sand diggers.

Always Level 1 Noncompliance.

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- (9) (c) Two-year-olds may play on infant and toddler play equipment.

Rationale / Explanation

The use zones around equipment for infants and toddlers are smaller than those around equipment for preschoolers and school age children. This is because infants and toddlers do not jump or fall as far a distance from equipment as older children do. This rule allows two-year-olds to play on infant and toddler equipment with these smaller use zones.

- (9) (d) Protective cushioning is required in all use zones.

Rationale / Explanation

Protective cushioning is material that is placed in the use zones under and around stationary play equipment in order to cushion a child's fall from the equipment. Acceptable cushioning materials include the following: sand, gravel, shredded tires, shredded wood products, and unitary cushioning material. Cushioning materials must meet ASTM Specification F 1292.

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. Hard surfaces such as concrete, blacktop, packed earth, or grass are not acceptable under most play equipment. A fall onto one of these hard surfaces could be life threatening. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

A rounded tunnel sitting on the ground is not considered playground equipment unless it has a flat 2" by 2" surface on it. This means that a rounded tunnel sitting on the ground does not require protective cushioning or a use zone. Raised tunnels do need use zones and cushioning.

An embankment slide does not require a use zone or cushioning except at the bottom of the slide chute. This use zone must be at least as wide as the slide chute.

Always Level 1 Noncompliance.

- (9) (e) If loose material is used as protective cushioning, the depth of the material shall be at least 9 inches. The provider shall ensure that the material is periodically checked for compaction, and if compacted, shall loose the material. If the material cannot be loosened due to extreme weather conditions, the provider shall not allow children to play on the equipment until the material can be loosened to the required depth.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Compaction of protective cushioning occurs when sand or gravel becomes packed and hard, so that it does not provide adequate cushioning.

Enforcement

Level 1 Noncompliance if there is less than 75% of the required depth of protective cushioning.

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Level 2 Noncompliance if there is 75% or more of the required depth of protective cushioning, or if there is 100% of the required protective cushioning, but it needs to be redistributed or if the protective cushioning is compacted and needs to be loosened.

- (9) (f) If a unitary cushioning material, such as rubber mats or poured rubber-like material is used as protective cushioning:
- (i) the licensee shall ensure that the material meets the standard established in ASTM Specification F 1292. The provider shall maintain documentation from the manufacturer that the material meets these specifications.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

An embankment slide does not require a use zone or cushioning except at the bottom of the slide chute. This use zone must be at least as wide as the slide chute.

Always Level 3 Noncompliance.

- (9) (f) If a unitary cushioning material, such as rubber mats or poured rubber-like material is used as protective cushioning:
- (ii) the licensee shall ensure that the cushioning material is securely installed, so that it cannot become displaced when children jump, run, walk, land, or move on it, or be moved by children picking it up.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

This item is considered out of compliance if the unitary cushioning material is set on top of the ground and not secured in place, such that it could become displaced when children jump, run, walk, land, or move on it, or if children could easily pick it up and move it.

Always Level 1 Noncompliance.

- (9) (g) Stationary play equipment that has a designated play surface less than the height specified in Table 1, and that does not have moving parts children sit or stand on, may be placed on grass, but shall not be placed on concrete, asphalt, dirt, or any other hard surface.

TABLE 1

Heights of Designated Play Surfaces That May be Placed on Grass

Infants & Toddlers	Preschoolers	School Age
Less than 18"	Less than 20"	Less than 30"

Rationale / Explanation

The purpose of this rule is to prevent injuries from falls onto a hard surface. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. Pg. 237-238 Standard 5.3.1.1

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Enforcement

Always Level 1 Noncompliance.

- (10) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.**

Rationale / Explanation

Openings that fit these dimensions are called "entrapment hazards". An entrapment hazard is an opening that a child's body could fit through, but not his/her head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be a head entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFCO, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates an entrapment hazard in the use zone above the equipment.

This rule does not include openings where one of the edges of the opening is on the ground. It only includes entrapment hazards where a child's feet cannot touch the ground. The following measurements, taken from the ground up to the bottom of the entrapment hazard, will be used to determine if the entrapment hazard is in a place where a child's feet could not touch the ground.

Infant and toddler playgrounds: more than 23 1/4 inches above the ground

Two-year-olds (for preschool playgrounds): more than 25 1/4 inches above the ground

School age only playgrounds: more than 33 inches above the ground

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Always Level 1 Noncompliance.

- (11) There shall be no strangulation hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

A strangulation hazard is something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment.

Examples of strangulation hazards include bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks. Special attention should be paid to the area at the top of slides and sliding devices. Ropes should be anchored securely at both ends, and should not be capable of forming a loop or a noose. If they do not meet these criteria, they pose a strangulation hazard. CFCO, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274

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Standard 6.2.3.1

Enforcement

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates a strangulation hazard in the use zone above the equipment.

Specific strangulation hazards include:

A bolt, screw, or other protrusion that passes the protrusion gauge test and which also project upward from a horizontal plane.

A bolt, screw or other protrusion that increases in size or diameter as it moves away from the surface. (For example, a bolt with a washer on the outside of a nut, where the washer is greater in diameter than the nut. Or, a bolt with a large bolt head, where the bolt head is not flush with the surface.)

Bolt ends that extend more than two threads beyond the face of the nut.

On slides: a gap on the top or sides of a slide that the 1/8", 2" diameter protrusion gauge could pass all the way through.

On "S" hooks: a gap in an "S" hook that a dime could fit into.

*Hanging ropes, cords, or chains longer than 12" that can make a loop 5" in diameter, **except** ropes, cords, or chains with swings attached to the bottom of them*

Ropes, cords, or chains that hang into the use zone of a piece of playground equipment and are attached to something solid will be assessed as strangulation hazards.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Level 1 Noncompliance if there is a strangulation hazard on a slide, swing, or merry-go-round.

Level 2 Noncompliance otherwise.

(12) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

ASTM defines a crush hazard as a juncture at which the user could suffer contusion, laceration, abrasion, amputation, or fracture during use of the playground equipment.

A shearing hazard is created when two parts of a piece of play equipment move against each other in such a way that they could sever a child's fingers or other body parts. A sharp edge hazard is created when there is a sharp point or edge on a piece of play equipment that could cut or puncture a child's skin. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates a crush, shearing, or sharp edge hazard in the use

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zone above the equipment.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Always Level 2 Noncompliance.

- (13) There shall be no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFOC, pgs. 216-217 Standard 5.075

Enforcement

Always Level 3 Noncompliance.

- (14) The provider shall maintain playgrounds and playground equipment to protect children's safety.**

Rationale / Explanation

Proper maintenance of playgrounds and playground equipment is a key factor in ensuring a safe play environment for children. Each playground is unique and requires a routine maintenance check program developed specifically for that playground. CFOC, 3^d Ed. pgs. 237-238 Standard 5.3.1.1; pgs. 259-260 Standard 5.7.0.2; pg. 277 Standard 6.2.5.1

Enforcement

Adequate maintenance includes the following:

Ensuring that there are no missing, bent, broken, or worn out components that could cause equipment to fail.

Ensuring that all hardware is secure, and there are no missing nuts or bolts that could cause the equipment to fail.

Ensuring that equipment does not have excessive wear that could cause the equipment, or a component of it, to fail.

Ensuring that metal is not rusted or corroded to the point that it could cause the structure to fail.

Ensuring that wood on children's play equipment is not rough or splintery.

Ensuring that all equipment and equipment parts are stable.

Level 1 Noncompliance if the lack of maintenance could cause equipment failure.

Level 3 Noncompliance otherwise.